

REMARKS

In an office action dated April 19, 2007 ("Final Office Action"), all pending claims were finally rejected. Applicant respectfully submits that the Final Office Action is mistaken as to the teachings of the cited reference, Müller et al., WO 00/70897 ("Müller") and fails to appreciate the significance of the "common feedback criterion" recited in each of the pending claims. In addition, the Final Office Action overlooks the "basic channel report" and "enhanced channel report" features of the present claims. Müller does not disclose a method in which a mobile terminal normally provides a basic channel report and selectively provides an enhanced channel report. For these reasons, and in light of the below arguments as well as the arguments previously presented, the currently pending claims are novel and non-obvious over the cited reference. Reconsideration and allowance of the claims is respectfully requested.

"Common Feedback Criterion"

Each of the currently pending claims recites that a mobile terminal receives "at least one common feedback criterion" transmitted, in a broadcast fashion, to a "plurality of terminals." In a Response to Office Action dated November 6, 2006 ("Applicant Response"), Applicant presented arguments explaining that Müller fails to disclose these features. These arguments are not repeated in detail here, but Applicant maintains that these arguments are correct, and reiterates that Müller does not disclose the claimed invention.

The Applicant Response focused on the distinction between the common feedback criterion of the present application and the mobile-by-mobile approach presented by Müller. As explained in the Applicant Response, the current application describes a "common feedback criterion broadcast to a plurality of mobile terminals," while Müller discloses only a measurement control message sent to one mobile at a time.

The Final Office Action does not respond directly to this distinction. The Final Office Action, at page 2, instead cites a single sentence from Müller: “[T]he idle mobile station monitors broadcast or other control channel(s) to measure received signal strength if received signal strength is the parameter that was previously identified in the measurement control message.” According to the Final Office Action, this demonstrates that “this is common/broadcast approach as required by the claim language.” This is clearly incorrect. The claims require a common feedback criterion, which is broadcast to a plurality of mobile terminals. The plain meaning of “criterion” is “a standard on which a decision may be based.” The application provides ample support for this plain-meaning understanding of “criterion.” For example, at ¶ [0019], the Specification states: “The mobile terminals 30 receive the common feedback criteria at box 230. Each mobile terminal 30 then determines whether or not it satisfies a condition based on the one or more common feedback criteria.” Thus, the common feedback criterion comprises a communicated condition or standard which the mobile terminal uses to make a determination. The cited sentence from Müller does not disclose or remotely suggest a criterion.

Furthermore, the pending claims require that a common feedback criterion be broadcast to a plurality of mobile terminals. As explained in the application, this common feedback criterion is applied by each of a plurality of mobile terminals to the particular conditions experienced by that mobile terminal. The cited sentence from Müller merely suggests that a mobile station may monitor a broadcast channel to measure received signal strength. Applicant notes that received signal strength measurements will differ from mobile terminal to mobile terminal; there is no possible way that a common criterion can be derived from monitoring the received signal strength of a broadcast channel. Again, Müller clearly fails to disclose a common feedback criterion, broadcast to a plurality of mobile terminals.

The Final Office Action continues by arguing that the term “broadcast” would be understood by one skilled in the art to simply mean “transmit,” or “send out signals.” (Final

Office Action, page 2.) The Final Office Action appears to concede Applicant's argument that Müller discloses the transmission of measurement control messages on a mobile-station-by-mobile-station basis, but argues that such individualized transmissions are nonetheless "broadcast" to a plurality of mobile terminals.

This interpretation of "broadcast" as simply meaning "to transmit" or "to send out signals" is contradicted by the very sentence the Final Office Action cites as support. The Final Office Action states that Müller teaches that "the idle mobile station monitors broadcast or other control channel(s)." (Final Office Action, page 2, emphasis added.) This distinction between "broadcast" control channels and "other" control channels clearly shows that "broadcast," in the context of Müller as well as in the current application, means the transmission of messages directed to a plurality of mobile terminals, as contrasted to the transmission of messages directed to a single mobile terminal. In fact, "broadcast" communications are defined in the Specification as those "intended for all mobile terminals 30 that are listening to the base station 14." (Specification, pp. 5-6.)

In any event, the definition of "broadcast," although clear, is not of critical importance in the context of the claims, which require a common feedback criterion to be sent to a plurality of mobile terminals. This feature of the present claims is not disclosed by Müller, and is not properly addressed in the Final Office Action.

"Basic" and "Enhanced" Channel Reports

Independent claim 1 of the present application recites a method in which "a mobile terminal normally provid[es] a basic channel report" and "selectively provid[es] an enhanced channel report" based on evaluating conditions in light of a common feedback criterion. Independent claim 21 recites "a transmitter operative to normally provide a basic channel report" and to "selectively transmit an enhanced channel report" based on a common feedback

criterion. Finally, independent claim 52 recites a “plurality of basic channel reports transmitted from a plurality of mobile terminals” followed by a determination of a feedback criterion to control “which plurality of said plurality of mobile terminals subsequently transmit an enhanced channel report.” Thus, the claims clearly distinguish between a “basic” channel report, which is normally transmitted, and an “enhanced” channel report which is selectively transmitted.

Müller does not disclose a mobile terminal that normally transmits a basic channel report and selectively transmits an enhanced channel report. Rather, Müller only discloses “event-based” reporting. (Müller, page 5, lines 1-10.) This is presented as an alternative to a system including mobile terminals that “periodically provide measurement reports to the radio network for a standard set of radio-related parameters.” (See Müller, p. 4, lines 6-18.)

The Final Office Action mistakenly cites this background discussion, in which Müller disparages a particular reporting scheme, as disclosing the “mobile terminal (30) normally providing a basic channel report” of claims 1 and 21. (Final Office Action, page 4.) The Final Office Action then cites Müller’s Figures 3 and 4 as disclosing the selective provision of an enhanced channel report.

In fact, Müller does not disclose a terminal that normally provides a basic channel report but selectively provides an enhanced channel report. Instead, Müller discloses that prior art terminals may be configured to periodically provide measurement reports for a standard set of conditions, and discloses that alternative terminals may be configured to only send reports based on certain triggering events. Thus, Müller distinguishes between periodic reporting in some terminals and event-driven reporting in terminals. Müller does not contemplate a terminal that sends a certain type of report some of the time, i.e. “normally,” and a different type of report at other times. Thus, Müller does not disclose or even hint at a terminal that selectively determines whether to send a basic channel report or an enhanced channel report, as claimed in the present application.

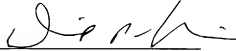
Conclusion

As demonstrated above and in the prior Applicant Response, Müller does not disclose a common feedback criterion transmitted to a plurality of mobile terminals. Further, Müller does not disclose a mobile terminal that normally provides a basic channel report but selectively provides an enhanced channel report based on the common feedback criterion. As these features are required in each of the currently pending claims, Müller in no way discloses the claimed invention.

It is thus respectfully urged that the present application is in condition for allowance. Prompt notice to such effect is respectfully requested.

Respectfully submitted,

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